



Marlene H. Dortch  
Secretary  
Federal Communications Commission  
455 Twelfth Street, S.W.  
Washington, DC 20554

**Marlene Santos**  
Vice President  
Customer Service

**RE: Ex-parte Communication**

**In the Matter of Rules and Regulations Implementing the Telephone  
Consumer Protection Act of 1991: Edison Electric Institute and American  
Gas Association Petition for Expedited Declaratory Ruling dated February  
12, 2015**

**CG Docket No. 02-278**

Dear Ms. Dortch:

On behalf of Florida Power & Light Company ("FPL"), I respectfully submit this *ex-parte* communication to the Federal Communications Commission ("FCC") in response to the Petition for Expedited Declaratory Ruling ("Petition") regarding the Telephone Consumer Protection Act ("TCPA") filed on February 12, 2015 by Edison Electric Institute and the American Gas Association in the above docket.

FPL strongly supports and urges the FCC to grant the Petition on an expedited basis to clarify that under the TCPA, providing a wireless number to a utility constitutes "prior express consent" to receive autodialed/pre-recorded non-telemarketing, informational calls related to the customer's utility service.

FPL, which is regulated by the Florida Public Service Commission, is one of the largest electric utility companies in the United States, serving approximately 4.7 million customer accounts across nearly half of the state of Florida. FPL's service reliability is better than 99.98 percent, and its highly fuel-efficient power plant fleet is one of the cleanest among utilities nationwide. As part of providing such reliable service, FPL relies on emerging technologies and uses best practices to deliver vital, real-time information to its customers on issues such as: extreme weather conditions that may impact electric service; planned or unplanned service outages; updates about outages or service restoration; notification of meter work, tree trimming or other field work in the area; verification of eligibility for special services, including medically essential service, low-income programs and services; and payment or other issues that may impact continued electric service. Florida also has a large population of elderly customers and

other customers using medically necessary devices. As the hurricane season approaches, it is vital that FPL's customers receive timely communications on all these important matters.

The TCPA was enacted almost 25 years ago to curb abusive telemarketing practices. Since then, the wireless marketplace has emerged as the fastest growing and most effective communications technology for businesses to reach customers. Unfortunately, recent uncertainty surrounding the TCPA and its implementing rules has created an untenable regulatory environment resulting in an explosion of class action litigation and inconsistent court rulings. Further, this uncertainty stifles innovation of the most effective communication technologies by companies, like FPL, leaving them with unclear guidance from the FCC on how to effectively communicate with customers without running afoul of the TCPA. Clarity of the TCPA is desperately needed so utilities have a clear, fair and consistent framework that appropriately protects customers under the spirit and intent of the TCPA, without impeding, urgent and desired communications from a utility company.

Accordingly, FPL supports the Petition and urges the FCC to move forward expeditiously in ruling that providing a telephone number to an utility constitutes "prior express consent" to receive non-telemarketing, informational calls at that number related to the customer's utility service.

Florida Power & Light Company appreciates the opportunity to provide these comments in support this important Petition.

Respectfully submitted,



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Marlene Santos

Vice President Customer Service